

STAFF REPORT
November 9, 2006

No. 06SR066 - SDCL 11-6-19 Review to allow the donation of park land **ITEM 23**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06SR066 - SDCL 11-6-19 Review to allow the donation of park land
EXISTING LEGAL DESCRIPTION	Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .86 acres
LOCATION	West of Champion Drive and east of Vicki Powers Park
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Low Density Residential District
East:	Medium Density Residential District (Planned Residential Development)
West:	Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/2/2006
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow the donation of park land be **approved**.

GENERAL COMMENTS: **This staff report has been revised as of October 27, 2006. All revised and/or added text is shown in bold print. This application was continued at the October 26, 2006 Planning Commission meeting to be heard in conjunction with the associated Rezoning and Comprehensive Plan Amendment applications.** The subject property is located west of Champion Drive and east of Vicki Powers Park. The subject property is currently zoned Medium Density Residential District with a Planned Residential Development. The property located north and east of the subject property is zoned Medium Density Residential District with a Planned Residential Development. Property located south of the subject property is zoned Low Density Residential District. Property located west of the subject property is zoned Public District and is owned by the City of Rapid City. The applicant is requesting approval of a SDCL 11-6-19 Review to allow

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the donation of park land to the City of Rapid City. In addition, a rezoning of the subject property from Medium Density Residential District to Public District (06RZ038) and an Amendment to the Comprehensive Plan to change the land use from Residential to Public (06CA044) have been submitted in conjunction with this application.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the applicant is requesting that the subject property be donated to the City of Rapid City for park land requiring that the Planning Commission review and approve the proposed donation.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following considerations:

Land Donation: The subject property abuts a future street and land owned by the City for a future city park. Construction plans have been previously submitted and accepted for Champion Drive, the future street abutting the subject property. The property owner wishes to donate the subject property to the City to be added as parkland. In addition, the applicant has submitted a Comprehensive Plan Amendment to change the land use from Residential to Public use and a Rezoning from Medium Density Residential District to Public District. The donation of land will allow the City to use the donated land as part of a proposed park. The rezoning and comprehensive plan changes to public will allow the development of the property for public use. Access to the current parkland from Champion Drive will be allowed through the donated land.

Due to an error by the Rapid City Journal, the associated Comprehensive Plan Amendment was not properly advertised. As such, Staff is recommending that the SDCL 11-6-19 Review to allow the donation of park land be continued to the November 9, 2006 Planning Commission meeting to be heard in conjunction with the associated Rezoning and Comprehensive Plan Amendment applications. **The legal advertisement has been made for the associated Comprehensive Plan Amendment and staff recommends that the SDCL 11-6-19 Review to allow the donation of park land be approved. (Revised 10-27-06)**